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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,061	07/05/2000	Barbara E. Ballard	6169-103	4711

7590 06/09/2006  
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EXAMINER
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OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/610,061	BALLARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 6-10 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As per the dependent claims 6-10, and 16-20, the claim language pertaining to preferential placement of the second spoken command is not explicitly taught by the prior art of record.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4,11,12,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Leontiades et al (5909667).

As per claims 1,11, Leontiades et al (5909667) teaches a speech correction method and computer readable medium for correcting misrecognized text in a speech application (abstract; fig. 2) comprising:

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“receiving audio speech....text” as input speech, converted into usable text (fig. 2)

“detecting in said speech.....text buffer” as ‘begin correction’ command (col. 8 lines 1-14);

“if a first speech correction command is not detected.....text buffer” as when the system is not in correction mode, the text will be stored in RAM (col. 5 lines 43-50);

“if a first speech correction command is detected....text buffer” as identifying the ‘begin correction’ command to correct the speech (col. 8 lines 7-14);

As per claims 2,12, Leontiades et al (5909667) teaches:

“audibly confirming.....text” as confirming the command thru speech (col. 8 lines 34-41).

As per claims 4,14, Leontiades et al (5909667) teaches:

“responsive to detecting.....spelled out” as id message containing “no dictation” and spelling of the word (col. 7 lines 5-14);

“adding.....words” as the word replacing the error word (col. 9 lines 49-54), wherein the word can be spelled (col. 9 lines 58-65);

“terminating...method” as ending the correction (fig. 3, subblock 50 being the result of the end of the correction mode).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5,13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leontiades et al (5909667) in view of Mitchell et al (5799273).

As per claims 3,13, Leontiades et al (5909667) does not explicitly teach audibly playing back the speech that is recognized, however, Mitchell et al (5799273) teaches playing back the audio via the SR engine (Fig. 8A, subblock 256, 257). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition corrective dictation systems to modify the teachings of Leontiades et al (5909667) with audible playback of the speech recognition results because it would advantageously aid in the correction of recognized text (Mitchell et al (5799273) col. 1 lines 23-29).

As per claims 5,15, Leontiades et al (5909667) also teaches:

“responsive to detecting.....text buffer” as id message containing “no dictation” and spelling of the word (col. 7 lines 5-14);

“wherein each said correction candidate....speech input” as listing the statistical alternatives (col. 10 lines 8-23);

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“receiving a selection...list...replacing.....correction candidate” as word replacement (col. 9 lines 44-50).

As per claims 5,15, Leontiades et al (5909667) does not explicitly teach audibly playing back the speech that is recognized, however, Mitchell et al (5799273) teaches playing back the audio via the SR engine (Fig. 8A, subblock 256, 257). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition corrective dictation systems to modify the teachings of Leontiades et al (5909667) with audible playback of the speech recognition results because it would advantageously aid in the correction of recognized text (Mitchell et al (5799273) col. 1 lines 23-29).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
9/12/04



M. A. OPSASNICK  
PATENT EXAMINER